

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARIO P. TELLO,

Plaintiff,

vs.

BANK OF AMERICA NA, et al,

Defendants.

2:12-cv-01040-GMN-NJK

**ORDER**

This matter came before the Court on the Plaintiff's Motion for Clarification of Discovery Status (Dkt. # 55).

On May 24, 2012, the Plaintiff filed a Complaint against the Defendants in the Eighth Judicial District Court of the State of Nevada. On June 19, 2012, the Defendants petitioned to remove the case to this Court. Dkt. # 1. On June 26, 2012, the Defendants filed a Motion to Dismiss the Complaint. Dkt. #5. The Court entered a scheduling order on August 27, 2012, which set the discovery deadline for December 21, 2012. Dkt. #22.

On October 29, 2012, the Defendants filed a Motion to Stay Discovery While Defendants' Motion to Dismiss [Dkt. 5] is Pending. Dkt. #33. The Court granted that motion on October 30, 2012, thereby staying all discovery in this case until the Court ruled on Dkt. #5. Dkt. #34.

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1 On March 29, 2013, the Court ruled on Dkt. #5. Dkt. #45. Since the order staying discovery  
2 explicitly stated that discovery was stayed only during the pendency of Dkt. #5, which is no longer  
3 pending, discovery in this case is no longer stayed.<sup>1</sup>

4 Based on the foregoing, and good cause appearing therefore,

5 **IT IS HEREBY ORDERED** that the Plaintiff's Motion (Dkt. # 55) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that, no later than July 15, 2013, the parties must submit  
7 either a joint proposed discovery plan and scheduling order, or a renewed motion or stipulation to  
8 stay discovery pending the Court's ruling on the Motion to Dismiss. Any motion or stipulation to  
9 stay discovery must contain an analysis of the proper standards to stay discovery pending a motion  
10 to dismiss.

11 DATED this 8th day of July, 2013.

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16 NANCY J. KOPPE  
17 United States Magistrate Judge  
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28 The Court notes that, in response to the ruling on Dkt. #5, the Plaintiff filed a first amended complaint on April 22, 2013. Dkt. # 47. On May 7, 2013, the Defendants filed a Motion to Dismiss Plaintiff's First Amended Complaint With Prejudice. Dkt. #48. The stay of discovery, however, was granted solely during the pendency of Dkt. #5, which is no longer pending. Dkt. 34.